

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PACIFIC CREST HOMEOWNERS  
ASSOCIATION, a Washington nonprofit  
corporation,

Plaintiff,

v.

ASSURANCE COMPANY OF AMERICA, a  
New York Company,

Defendant.

Case No. 10-5186

UNOPPOSED MOTION TO  
STAY AND PROPOSED ORDER

NOTE DATE: April 20, 2010

**I. Unopposed Motion to Stay**

Pursuant to the inherent authority of the Court, Plaintiff moves for a stay of this action due to related litigation currently ongoing in the Superior Court of Washington for Pacific County. The parties have conferred with respect to this motion and it is unopposed.

Plaintiff asks that the Court order that all matters in this case be stayed, including discovery. The parties shall advise the Court within twenty (20) days of a judgment or settlement in *Pacific Crest Homeowners Association v. Matthew A. Doney, Trent Doney, and John Does 1-10*; Superior Court of Washington for Pacific County, Case No. 09-2-00320-5 (the “Doney Lawsuit”) or *Pacific Crest Homeowners Association v. Mead Engineering Resources, Inc., et al.*; Superior Court of Washington for Pacific County, Case No. 09-2-00414-7 (the

“Subcontractor Lawsuit”), whichever resolves later. The motion is supported by the following Points and Authorities.

## II. Points & Authorities

### A. Introduction

Plaintiff is a homeowners association for a condominium development located in Pacific County, Washington. The unit owners at Pacific Crest have suffered property damage to their individual units and common elements. The property damage has unfortunately spurred several lawsuits, in addition to the present lawsuit. The pending lawsuits include:

1. *Pacific Crest Homeowners Association, et al.*  
v. *Pacific Crest 1 Development, LLC, et al.*  
Superior Court of Washington for Pacific County  
Consolidated Case No. 08-2-00216-2  
(the “Developer Lawsuit”)
2. *Pacific Crest Homeowners Association*  
v. *Matthew A. Doney, Trent Doney, and John Does 1-10*  
Superior Court of Washington for Pacific County  
Case No. 09-2-00320-5  
(the “Doney Lawsuit”)
3. *Pacific Crest Homeowners Association*  
v. *Mead Engineering Resources, Inc., et al.*  
Superior Court of Washington for Pacific County  
Case No. 09-2-00414-7  
(the “Subcontractor Lawsuit”)

The Developer Lawsuit resulted in a default judgment in favor of Plaintiff. The Doney Lawsuit and the Subcontractor Lawsuit were filed prior to the present lawsuit and both are currently in the midst of discovery. Plaintiff in this action was forced to file the present lawsuit due to statutory and/or contractual limitations periods. Many of the issues relevant to the Doney and Subcontractor Lawsuits overlap with the present proceeding. Both Plaintiff and Defendant believe and hope that the resolution of the Doney Lawsuit and the Subcontractor Lawsuit will moot the issues in this lawsuit and preclude further litigation between these parties. As a result, the parties wish to stay these proceedings until resolution of the Doney Lawsuit and Subcontractor Lawsuit.

